

**RULES AND REGULATIONS
OF THE
CITY OF WYOMING STORM WATER DISTRICT
WYOMING, OHIO**

ARTICLE II

ILLICIT DISCHARGE REGULATIONS

TABLE OF CONTENTS

201	PURPOSE, SCOPE, AND APPLICABILITY.....	2
202	DEFINITIONS.....	2
203	COMPLIANCE WITH OTHER LAWS AND DISCLAIMER OF LIABILITY.....	2
204	CONFLICTS AND SEVERABILITY.....	3
205	PROHIBITION OF ILLICIT DISCHARGES REQUIRED.....	3
206	EXEMPTIONS.....	3
207	INSPECTION AND MONITORING OF DISCHARGES AND CONNECTIONS.....	4
208	NOTIFICATION OF ILLICIT DISCHARGE FROM UNLAWFUL DUMPING OR SPILLING	4
209	SWIMMING POOL DISCHARGES	5
210	HOME SEWAGE TREATMENT SYSTEM (HSTS) DISCHARGES	5
211	ILLICIT CONNECTION PROHIBITIONS.....	5
212	RIGHTS UNAFFECTED	6
213	ENFORCEMENT AND PENALTIES	6
214	INJUNCTIVE RELIEF	7
215	VIOLATIONS CONSIDERED A PUBLIC NUISANCE	7
216	REMEDIES NOT EXCLUSIVE.....	7
217	APPEALS	7

201 PURPOSE, SCOPE, AND APPLICABILITY

- A. The purpose of these Illicit Discharge Regulations is to promote and maintain the health, safety, and welfare of the citizens of by establishing standards for storm water best management practices (BMPs) that minimize the degradation of the water resources of the City of Wyoming by
 - 1. Reducing the discharge of pollutants from the municipal separate storm sewer system (MS4) owned or operated by the City of Wyoming to the maximum extent practicable,
 - 2. Protecting water quality, and
 - 3. Satisfying the appropriate water quality requirements of the Clean Water Act, Ohio Law, and the Ohio Revised Code (ORC), including Section 6111.
- B. The intent of these Illicit Discharge Regulations is:
 - 1. To regulate the discharge of any Pollutant to a MS4;
 - 2. To prohibit and eliminate Illicit Connections and Discharges to the MS4; and
 - 3. To establish legal authority to perform all inspection, surveillance, testing, monitoring and enforcement necessary to ensure compliance with these Illicit Discharge Regulations.
- C. These Illicit Discharge Regulations are adopted under authority of Ohio Law and the Ohio Revised Code, including Chapters 307 and 6117 thereof, and implement the requirements of the latest discharge permit issued by Ohio EPA to the City of Wyoming under the Phase II Program.
- D. The City of Wyoming shall designate the **Enforcing Official** for purposes of enforcing these Illicit Discharge Regulations.
- E. These Illicit Discharge Regulations apply to the MS4 within the boundary of the City of Wyoming.

202 DEFINITIONS

The words and phrases as defined in Article I - Definitions of the Rules and Regulations of the City of Wyoming shall have the same meaning herein unless otherwise provided.

203 COMPLIANCE WITH OTHER LAWS AND DISCLAIMER OF LIABILITY

- A. Compliance with these Illicit Discharge Regulations does not relieve any Person from the duty to comply with any other applicable federal, state, and local laws, regulations or ordinances or from responsibility otherwise imposed by law for damage to any person or property.

- B. Neither the compliance or lack of compliance with these Illicit Discharge Regulations; nor any action or lack of action by the **Enforcing Official** shall relieve a Person from responsibility for injury or damage to any person or property otherwise imposed by law, nor create or impose any liability upon the City of Wyoming or their respective officers, agents, or employees for injury or damage to any person or property.
- C. Failure of the **Enforcing Official** to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the Owner from the responsibility for the resulting condition or damage or injury, and shall not result in the **Enforcing Official**, the City of Wyoming, their officers, employees, or agents being responsible for any resulting condition or damage or injury.
- D. These Illicit Discharge Regulations do not create a duty upon the **Enforcing Official**, or the City of Wyoming to any person impacted by any storm water or storm water BMPs required by these Illicit Discharge Regulations.

204 CONFLICTS AND SEVERABILITY

- A. Where these Illicit Discharge Regulations may conflict with other applicable provisions of law or ordinance, it is the City's intent that the more restrictive applicable provisions, shall prevail where permitted by law.
- B. Should any article, section, subsection, clause, or provision of these Illicit Discharge Regulations be declared by a court of applicable jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remainder of these Illicit Discharge Regulations, in whole or in part.

205 PROHIBITION OF ILLICIT DISCHARGES REQUIRED

- A. No Person shall discharge, cause or threaten to discharge, or allow another Person under its control to discharge, cause or threaten to discharge to the MS4 any Pollutant or water containing any Pollutant other than Storm Water.

206 EXEMPTIONS

- A. The following Non-Storm Water sources are exempt from the prohibitions in Section 205(A):
 - 1. Water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR §35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, non-commercial car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges or flows from fire fighting activities.

2. Water associated with dye testing, provided the dye has been approved by the **Enforcing Official** and prior written notification has been provided to the **Enforcing Official** of the day and time of the testing.
 3. Non-Storm Water discharges to the MS4 permitted under a valid NPDES permit, waiver, or waste Discharge order issued to the discharger and administered under the authority of the United States or Ohio Environmental Protection Agency, provided that the discharger is in compliance with all requirements of the permit or order and written approval has been granted by the appropriate jurisdiction for any such discharge or connection to the MS4.
 4. Discharges from an Off-Lot Home Sewage Treatment System (HSTS) installed and in operation prior to or on the effective date of these Illicit Discharge Regulations, provided the Off-Lot HSTS is properly functioning and is not a public health nuisance as determined by a Board of Health with applicable jurisdiction.
- B. Application and enforcement of the exemptions under Section 206 EXEMPTIONS of these Illicit Discharge Regulations shall be conducted by the **Enforcing Official**.

207 INSPECTION AND MONITORING OF DISCHARGES AND CONNECTIONS

- A. The **Enforcing Official** bearing proper credentials and identification shall be permitted at all reasonable times to enter upon all properties to inspect, survey, test, photograph or videotape a MS4 connection or discharge to determine compliance with these Illicit Discharge Regulations or whether a MS4 connection or discharge exists. The **Enforcing Official** shall be granted access without unreasonable delay. Any obstruction preventing safe and easy access to the MS4 connection or discharge (or suspected MS4 connection or discharge) shall be promptly removed or cleared upon request of the **Enforcing Official**, and in the case of a confirmed MS4 connection or discharge, shall not be replaced or allowed to reoccur. The cost of removing or clearing obstructions shall be the responsibility of the property owner or operator. The **Enforcing Official** shall be entitled to examine and copy any records required to be prepared and maintained under these Illicit Discharge Regulations or applicable permit.

208 NOTIFICATION OF ILLICIT DISCHARGE FROM UNLAWFUL DUMPING OR SPILLING

- A. As soon as the person responsible for a facility or premises, or the emergency response coordinator for a facility or premises has knowledge of an Illicit Discharge resulting from unlawful dumping or spilling that contains a Hazardous Substance, the person or emergency coordinator shall immediately notify the **Enforcing Official** by telephone, and the appropriate emergency response center and other governmental agencies in accordance with applicable release reporting laws of such Illicit Discharge. The Owner or operator of the facility or premises shall take all reasonable steps to ensure the expedient containment and cleanup of such Illicit Discharge, protect the health and safety of the public and mitigate damage to the environment and MS4. A follow up written report describing in detail the incident, impacts and actions taken

- shall be submitted to the **Enforcing Official** within seven (7) working days of the telephone notification to the **Enforcing Official** (a copy of the written report submitted to the National Response Center or other governmental agency may satisfy this requirement).
- B. As soon as the person responsible for a facility or premises, or the emergency response coordinator for a facility or premises has knowledge of an Illicit Discharge resulting from unlawful dumping or spilling that does not contain a Hazardous Substance, the responsible person or emergency coordinator shall provide notice to the **Enforcing Official** by telephone or facsimile as expeditiously as possible, but no later than the next business day. A follow up written report describing in detail the incident, cause, impacts and actions taken shall be submitted to the **Enforcing Official** within seven (7) working days of the notification to the **Enforcing Official**.
 - C. If an Illicit Discharge resulting from unlawful dumping or spilling is from a commercial or industrial establishment, the Owner or operator of such establishment shall retain on-site for three (3) years from the date of such Illicit Discharge a written record of such Illicit Discharge and the actions taken to mitigate the effects and prevent a recurrence.

209 SWIMMING POOL DISCHARGES

- A. No Person shall discharge backwash water from the cleaning of private residential swimming pool filtration medium and/or filter elements to the MS4.
- B. The discharge of non-backwash water from private residential swimming pools to the MS4 is allowed, provided the swimming pool water is dechlorinated by resting the water for at least 48 hours following the addition of chlorine or the chlorine level is below 0.1 milligrams per liter (mg/L). Chlorine may be tested using a standard swimming pool water chlorine test kit. In addition, the pH (a measurement of acidity) of any non-backwash swimming pool water discharged to the MS4 shall not be less than 6.5 or greater than 8.5 at the time of the discharge to the MS4. The pH may be measured with a standard swimming pool water pH test kit.

210 HOME SEWAGE TREATMENT SYSTEM (HSTS) DISCHARGES

- A. The discharge from an Off-Lot Home Sewage Treatment System (HSTS) to the MS4 is prohibited except where permitted by the Hamilton County General Health District. The discharge from an improperly functioning Off-Lot HSTS or On-Lot HSTS is prohibited under any circumstances.

211 ILLICIT CONNECTION PROHIBITIONS

- A. No Person shall connect or cause to be connected any pipe, ditch, drain, conveyance, device, outlet or accessory directly or indirectly to the MS4 that will discharge any Pollutant or water containing any Pollutant other than Storm Water into the MS4.
- B. No Person shall construct, use, operate, maintain or otherwise continue in existence an Illicit Connection.

212 RIGHTS UNAFFECTED

- A. These Illicit Discharge Regulations shall not limit or abridge any rights of action or remedies either at law or in equity, nor do these Illicit Discharge Regulations, or any act done pursuant to these Illicit Discharge Regulations preclude any governmental entity or person from exercising rights which they may otherwise possess under applicable law.

213 ENFORCEMENT AND PENALTIES

- A. It shall be unlawful for any Person to fail to comply with any of the requirements of these Illicit Discharge Regulations or any lawful order issued by the **Enforcing Official** pursuant thereto, including the failure to pay any authorized civil penalty lawfully issued hereunder.
- B. The **Enforcing Official** shall have all such rights and powers in interpreting and enforcing these Illicit Discharge Regulations as may be accorded to such officials by law, rule, or regulation.
- C. When the **Enforcing Official** determines that a Person has or may have violated any requirement of these Illicit Discharge Regulations, the **Enforcing Official** may notify the responsible Person and/or Owner by mailing or delivering a written notice of violation (NOV) to the responsible Person and/or Owner. The NOV shall state and describe the violation and, when appropriate, shall establish a deadline for compliance with these Illicit Discharge Regulations. The NOV may also include or be accompanied by orders that require:
 - 1. The performance of monitoring, testing, sampling, analyses, and reporting,
 - 2. The elimination of an Illicit Connection or Illicit Discharge,
 - 3. That a violating discharge, practice, or operation cease and desist,
 - 4. The abatement or remediation of contamination hazards and the restoration of any affected property, including the MS4, and
 - 5. The implementation of control measures determined by the **Enforcing Official** to be necessary to ensure compliance with these Illicit Discharge Regulations.
- D. A requirement to implement control measures may be in addition to any prosecution or enforcement for fines, costs or other remedies as may be available to the **Enforcing Official** under applicable law.
- E. The NOV may include a civil penalty to be paid within a time prescribed by the **Enforcing Official** where authorized by applicable law.
- F. If the responsible Person violates any provision of these Illicit Discharge Regulations, fails to correct a violation, or fails to comply with any order or established deadline, or fails to pay an authorized civil penalty within the time prescribed, the **Enforcing**

Official may seek enforcement and recovery of penalties and costs in a court of competent jurisdiction, in addition to pursuing any available civil and/or criminal penalties or damages as may be recoverable under applicable laws, rules or regulations.

214 INJUNCTIVE RELIEF

- A. In addition to seeking civil and/or criminal penalties and/or damages for any violation, the **Enforcing Official** may petition a court of competent jurisdiction for injunctive relief, which may include, but is not limited to, enforcement of these Illicit Discharge Regulations or any NOV, order or penalty issued by the **Enforcing Official**, restraining any continuing or threatened future violations of these Illicit Discharge Regulations, ordering the abatement of any violation or threatened violation, compelling remediation of contamination hazards and restoration of any affected property, including the MS4, or any other relief, penalty or costs that justice may require.

215 VIOLATIONS CONSIDERED A PUBLIC NUISANCE

- A. A violation of these Illicit Discharge Regulations which threatens the public health, safety, or welfare may constitute a public nuisance under applicable law, subject to abatement by the **Enforcing Official** or other appropriate authority, or by civil action to abate or enjoin, as may be available under applicable law, rule or regulation.

216 REMEDIES NOT EXCLUSIVE

- A. The remedies provided in these Illicit Discharge Regulations shall not be exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the **Enforcing Official** to seek cumulative remedies.

217 APPEALS

- A. Any person wishing to appeal an adverse determination of the **Enforcing Official** shall be entitled to such appeals as may be accorded under applicable provisions of Ohio Law and the Ohio Revised Code.